

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SAMUEL BARROW,

Plaintiff,

V.

**TERMINIX INTERNATIONAL
COMPANY, L.P. AND GEORGE
VENTURELLA,**

Defendants.

Case No. 3:07 CV 0324

Judge Thomas M. Rose

PROPOSED AGREED STATEMENT OF THE PARTIES

This is an employment-related case. The parties in this case are as follows: The Plaintiff is Thomas Noland, who is the Trustee in Bankruptcy for Samuel Barrow. Samuel Barrow is the individual who applied for a Service Technician position with Terminix. The Defendants in this case are Terminix and George Venturella.

Samuel Barrow claims that Terminix refused to hire him for a Service Technician position in August of 2005 because of his race in violation of federal and state law. He also asserts that Terminix refused to hire him in retaliation for complaints he made about discrimination at Terminix. Plaintiff seeks damages for lost income and benefits, compensatory damages, and punitive damages. Plaintiff further seeks attorney's fees.

Defendants deny that Plaintiff can prove the claims, or that the claims have any merit. Defendants state that Plaintiff cannot prove the claim for race discrimination because Terminix had legitimate reasons not to hire Plaintiff. Samuel Barrow failed a mandatory criminal background check, and he cannot prove that Terminix intentionally refused to hire him for a Service Technician position because of his race.

Defendants also state that Plaintiff cannot prove a claim for unlawful retaliatory conduct because Samuel Barrow failed the mandatory criminal background check, and Plaintiff cannot prove that Terminix intentionally refused to hire Samuel Barrow because of his alleged complaints. As a result, Defendants deny that Plaintiff is entitled to any damages.

It is your responsibility to determine whether the Plaintiff has proven the claims by a preponderance of the evidence, and, if so, whether Plaintiff has proven that he is entitled to the damages he seeks.

Respectfully submitted,

/s/ David G. Torchia

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CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of November, 2009, a copy of the foregoing Proposed Agreed Statement of the Parties was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Thomas M. L. Metzger

Thomas M. L. Metzger

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